IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 442 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE H.H.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

HEIRS OF BHOGILAL CHUNILAL SHAH (DECEASED) & 4

Versus

RAJNIKANT VADILAL SHAH

Appearance:

MR DR BHATT for Appellants No. 1-5/5

MR PRAFUL J BHATT for Respondent

CORAM : MR.JUSTICE H.H.MEHTA

Date of decision: 07/02/2002

ORAL JUDGEMENT

1. Heard Mr.D.R.Bhatt, learned advocate for the appellants and Mr.P.J.Bhatt, learned advocate for the

respondent.

2. At the outset of the arguments of learned advocates for both the parties jointly submit that this appeal be allowed by setting aside the impugned order without assigning reasons in order to that effect.

3. As a result of the consensus arrived at between both the parties, the following order is passed.

a. The judgement Ex.116 dated 31/1/1995 rendered by Civil Judge (S.D.), Nadiad in Special Civil Suit No.91 of 1982 is hereby quashed and set aside.

b. As told by learned advocates for both the parties, issues have already been framed in the suit and the learned Judge recorded the evidence also. In view of this , the learned Judge of the trial Court is directed to decide and dispose of Special Civil Suit No.91 of 1982, which is pending on the file of learned Civil Judge (S.D.), Nadiad, strictly on merits by keeping in mind the provisions of Order 14, Rule 2(1) of the Civil Procedure Code.

c. As this suit is of the year 1982, the learned Judge of the trial Court is directed to decide and dispose of the suit as expeditiously as possible, preferably within six months from the date of receipt of the writ of this order.

3. In view of the aforesaid directions given by this Court at the instance of both the parties, this appeal is allowed and the judgement challenged in this appeal is hereby set aside.

4. In view of this, this appeal stands disposed of accordingly. No order as to costs.

(H.H.Mehta,J.)

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